



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**Agenda**

**Meeting of May 12, 2004**

10:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

**ROUTINE BUSINESS**

**1. Ratification of minutes of April 21, 2004 meeting**

**OLD BUSINESS**

**2. Hon. Sean Faircloth/Appeal of Denial of Certification as a Maine Clean Election Act Candidate**

Representative Sean Faircloth began collecting \$5 qualifying contributions before he filed his Declaration of Intent (DOI) on March 23, 2004. Under the policy of the Commission staff, the \$5 checks he accepted prior to filing the DOI would not count toward the requirement of collecting 50 qualifying contributions. Rep. Faircloth addressed the Commission members by telephone at the April 21 meeting. Following that meeting, the Commission staff denied Rep. Faircloth's request for certification (see attached letter). Rep. Faircloth submitted an e-mailed request for an appeal, his opponent has submitted an opposing statement, and the Commission director sent a letter to Representative Faircloth responding to his e-mail. These and other pertinent materials are attached.

**NEW BUSINESS**

**Appeals of Denials of Certification**

In order for a candidate to become eligible for public financing under the Maine Clean Election Act, Chapter 3, Section 4(1)(A) of the Commission Rules requires the filing of a request for certification on a form provided by the Commission no later than 5:00 p.m. on the April 15. In addition, Chapter 3, Section 4(2) requires: "[t]ogether with the request for certification, a participating candidate must report all seed money contributions received, any other contributions received, and expenditures and obligations made after becoming a candidate."

In accordance with these rules (attached as Agenda Item #3), the Commission staff has denied certification to the following four individuals who did not submit the Request for Certification – and, in three cases, the Seed Money Report – by the April 15 deadline. The four candidates have appealed the staff determinations.

### **3. Glen MacWilliams**

The Commission staff denied the request of Glen MacWilliams to be certified as a MCEA candidate because he did not submit the Request for Certification form by April 15. His letter requesting an appeal is attached.

### **4. Everett W. McLeod, Jr.**

The Commission staff denied the request of Everett W. McLeod, Jr. to be certified as a MCEA candidate because he did not submit the Request for Certification form and the Seed Money Report by April 15. He has submitted a written appeal, which is attached.

### **5. Lloyd E. Leighton, Sr.**

The Commission staff denied the request of Lloyd E. Leighton, Sr. to be certified as a MCEA candidate because he did not submit the Request for Certification form and the Seed Money Report by April 15. His letter requesting an appeal is attached.

### **6. Hon. Rosaire Paradis**

The Commission staff denied the request of Representative Rosaire “Ross” Paradis to be certified as a Maine Clean Election Act candidate. Rep. Paradis did not submit the Request for Certification form and the Seed Money Report by the April 15 deadline. Rep. Paradis’ appeal is attached.

### **7. Fundraiser by Portland City Republican Party Committee**

The Republican Party Committee of the City of Portland wishes to hold an event to raise funds for a number of candidates. The committee proposes that donations be distributed among a number of candidates, including legislative candidates. After the Commission staff offered some preliminary advice, the committee has requested guidance from the members of the Commission to ensure that candidates’ contributions are reported properly and that no violations of the \$250 contribution limit have occurred.

### **8. Use of Maine Clean Election Funds for Advertising in Party Publications**

Some candidates who are participating in the Maine Clean Election Act are interested in using their campaign funds to purchase advertising in publications distributed at conventions, meetings, and dinners held by political parties. Many candidates view this as an appropriate and customary use of campaign funds. The Commission Guidelines on permissible uses of MCEA funds, however, states that: “Maine Clean Election Funds may not be ... contributed to another candidate, political committee, or party.”

### **9. Question Regarding Use of Maine Clean Election Act Funds**

David Kubiak is a candidate for State Senate who proposes to use his MCEA funds to pay for videos, booklets, and substantial pamphlets to publicize his candidacy. He proposes that these would be sold at cost to interested voters. He argues that this would help Clean Election Act candidates to broadcast their message and the practice would be held accountable through the submission of books and records.

## **Request for Waivers of Seed Money Restrictions**

### **10. Jane Moriarty**

Candidates for the House may accept a maximum of \$500 in seed money contributions. Ms. Moriarty explains in the attached e-mail that she inadvertently accepted \$10 over this amount because of a miscalculation and because she forgot she deposited \$5 of her own funds to open her bank account. The Commission staff recommends a waiver of the seed money restrictions so that she can participate in the Maine Clean Election Act.

### **11. Marlee Turner**

Marlee Turner, a candidate for the House, accepted \$600 in seed money contributions. As she noted on her campaign finance report, her husband (the campaign treasurer) died on April 4 and he had been keeping track of her receipts. The Commission staff recommends a waiver of the seed money restrictions.

### **12. Participation in the Maine Clean Election Act by Successful Write-In Candidates**

Julie Sawtelle filed papers with the Ethics Commission as a Green Independent Party candidate for Senate, District 21. She did not submit nominating petitions. Ms. Sawtelle intends to seek the Green nomination for Senate District 21 by running in the June 8 primary as a write-in candidate. If she receives 200 write-in votes for the Senate, she will be the Green Independent candidate for the seat in the General Election. The Maine Clean Election Act does not explicitly address whether candidates obtaining a party nomination through this procedure may participate in the MCEA, although it does expressly allow the Commission to adopt rules regarding replacement candidates.

## **Penalty Determination**

### **13. Richard Trahey**

Monthly Lobbyist Reports for five employers

Due 3/15/04; filed 3/25/04 – 10 days late

Statutory penalty: \$500

*Staff recommendation:* \$250 (50% reduction because of no previous late filing). Mr. Trahey has submitted a letter stating that the staff of Maine Tomorrow misunderstood when the first monthly reports were due for the session.

### **14. Personnel Matter**

#### **Other**

Miscellaneous as needed.

## **EXECUTIVE SESSION**

If necessary.

## **ADJOURNMENT**